



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,568	10/23/2000	Christopher F. Artig	14374.34	9789

22913 7590 06/02/2003

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

[REDACTED] EXAMINER

DUNN, DREW A

ART UNIT	PAPER NUMBER
2882	

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. 09/694,568	Applicant(s) Artig et al.
	Examiner Drew A. Dunn	Art Unit 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 5 May 2003

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 and 25-40 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 and 25-40 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 13

Application Number: 09/694,568

Filing Date: 10/23/00

Applicant(s): Artig et al.

DETAILED ACTION

Examiner's Note

Though the RCE papers filed, and confirmed in a fax sent 5/16/03, state that there is a preliminary amendment, no amendment has been found. Accordingly, the claims acted upon are the claims from the amendment of 9/28/02.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 2882

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-18 and 25-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noji (U.S. Pat. No. 4,686,417) in view of Hatanaka et al (U.S. Pat. No. 4,303,572).

With regards to claims 1, 2, 4, 6, 8, 10, 11, 13 and 18, Noji discloses an shielding in an X-ray image tube 20 wherein X-ray shielding (i.e. predetermined component shape limiting a predetermined amount of X-ray radiation through) can comprise a powder of metal having a high atomic number (i.e. lead powder, tungsten powder, and the like). (See col. 3, lines 1+). Though Noji discloses the various metal powders, it is unclear whether Noji suggests using two distinctive metal powders to form the shielding. Hatanaka also discloses X-ray shielding wherein a plurality of powder metals (including copper and tungsten) can be used together depending upon the particular shielding properties desired. (See col. 3, lines 29+). It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of these two references since it is apparent that the use of metal powders for X-ray shielding is well known and the choice of combining two powders (as suggested by the art) would allow one of ordinary skill to form a shielding with a particular desired and predetermined amount of attenuation properties. Further, based on the well known combination of metallic components for forming shielding in an X-ray system, it would have been obvious to an artisan to modify Noji to include a first and second powder metal to form the coating since the addition

Art Unit: 2882

of other metal powders allows for a more accurate attenuation factor to be achieved in limiting X-rays from the X-ray tube.

With regards to claims 3, 5, 7 and 9, absent any showing of criticality, the choice of concentrations would have been obvious to one of ordinary skill depending upon the predetermined amount of radiation attenuation desired. Specifically, each component has intrinsic properties and the adjustment and the determination of concentrations would have been to one of ordinary skill based on an obvious trial and error.

With regards to claim 12, the use of adhesion on an X-ray tube is old and well known as one means to connect or attach a structure (i.e. shielding) to said tube.

With regards to claim 14, having a region containing a dielectric polymer material that is oriented so as to electrically insulate at least a portion of a high voltage electrical connection is old and well known in the X-ray tube art. Official notice is taken.

With regards to claims 15-17, the use of fins for heat displacement is well known in the X-ray tube art and would have been an obvious modification to any rotating anode X-ray tube. Official notice is taken.

It is again noted that claims 19-24 have been cancelled.

With regards to the newly added claims 25-28, each dependent from claim 13, the prior art references of Noji and Hatanaka discloses the various combinations of the well known components of metal powders wherein the first powder can be tungsten as the supporting matrix for the second powder component.

Art Unit: 2882

With regards to the newly added claims 29-40, these claims are rejected for the reasons set forth above. Specifically, the combination of Noji and Hatanaka suggests to one of ordinary skill in the art the combination of at least two metal powders that have X-ray attenuating properties to be used in an X-ray tube. Further, though the two reference fail to specifically disclose the use of chromium as a third metal powder, absent any showing of criticality, the choice of using this well known metal as a substitution for any of the other functionally equivalent metal powders taught would have been an obvious choice of design.

Response to Arguments

Applicant's arguments with respect to claims 1-18 and 25-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

U.S. Pat. No. 4,920,554 to Gabbay et al. has been cited as of interest since it discloses an X-ray emitting device (including an X-ray tube) wherein materials of high atomic number are used in shielding. Specifically, the electrically insulating shield material keeps its insulating properties for a very wide range of grain sizes of powder materials. See col. 7, lines 14+.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Drew A. Dunn** whose telephone number is (703) 305-0024. The examiner can normally be reached between the hours of 8:00 AM to 3:00 PM Monday thru Thursday and every other Friday (second Friday of the bi-week).

Art Unit: 2882

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim, can be reached on (703) 305-3492. The fax phone number for this Group is (703) 308-7722 or (703)308-7724.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [drew.dunn@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Drew A. Dunn
Primary Examiner Art Unit 2882
28 May 2003